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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,070	03/26/2001	Katsuhiko Torii	02-040	7132

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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,070

Applicant(s)

TORII ET AL.

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Walther et al.

Regarding claim 1, Walther et al. show a geared motor (Figures 1-8) comprising:

- A yoke (Figure 2) having an opening and receiving a motor unit (1);
- A gear housing (3) made of a resin material (plastic), said gear housing covering said opening of said yoke and receiving a worm gear assembly (6, 7) for transmitting a rotational force of said motor unit to an output shaft (210) connected to said worm gear assembly (Figure 11), said worm gear assembly including a worm wheel (6), said gear housing having a wheel housing segment (at 7 and around 7) that receives and rotatably supports said worm wheel, said wheel housing segment having a base wall (right portion in Figure

- 2 including areas near 6, 26, 55, 3, 11, and 17), said output shaft being connected to said worm wheel and being rotatably received in said base wall of said wheel housing segment such that an axial direction of said output shaft is generally perpendicular to a plane of said base wall of said wheel housing segment (Figure 2); and
- A plurality of ribs (54, Figure 5) extending over at least part of an outer surface of said base wall of said wheel housing segment, each one of said plurality of ribs having a lateral thickness (Figure 5) that is measured in a direction perpendicular to said axial direction of said output shaft and that is equal to (if compared with portion near 6) or smaller (if compared with portion surrounding shaft 210 and portion receiving screw 99a) than an axial thickness of said base wall of said wheel housing segment measured in said axial direction of said output shaft.

Regarding claim 2, it is noted that Walther et al. also show said wheel housing segment further includes a peripheral wall (52) that generally extends from an outer peripheral edge of said base wall of said wheel housing segment in said axial direction of said output shaft; and said each one of said plurality of ribs further extends over at least part of an outer peripheral surface of said peripheral wall of said wheel housing segment.

Regarding claim 5, it is noted that Walther et al. also show said worm gear assembly further including a worm; said gear housing further includes a worm housing segment that includes a base wall, said worm housing segment receiving and rotatably

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supporting said worm; and at least one of said plurality of ribs further extends over at least part of an outer surface of said base wall of said worm housing segment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walther et al. in view of Evans.

Regarding claim 3, Walther et al. show all of the limitations of the claimed invention with said wheel housing segment further includes a shaft supporting portion for rotatably supporting said output shaft (Figure 11, portion above and below 200). Walther et al. do not show said shaft supporting portion being located generally at a center of said base wall of said wheel housing segment; and said each one of said plurality of ribs extending radially outwardly from said shaft supporting portion.

Evans shows said shaft supporting portion (64) being located generally at a center of said base wall of said wheel housing segment; and said each one of said plurality of ribs (76) extending radially outwardly from said shaft supporting portion for the purpose of making a motor vehicle window lift drive.

Since Walther et al. and Evans are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to locate the shaft supporting portion generally at a center of said base wall of said wheel housing segment; and to extend said each one of said plurality of ribs radially outwardly from said shaft supporting portion as taught by Evans for the purpose discussed above.

Regarding claim 4, it is noted that Evans also shows said each one of said plurality of ribs having an axial thickness that is measured in said axial direction of said output shaft and that decreasing from said shaft supporting portion toward said outer peripheral edge of said base wall of said wheel housing segment (Figure 5).

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walther et al. in view of Porter et al.

Regarding claim 8, Walther et al. show all of the limitations of the claimed invention except for a circumferential rib that extends about said output shaft in a circumferential direction in said outer surface of said base wall of said wheel housing segment, said circumferential rib having a radial thickness that is measured in a radial direction of said base wall of said wheel housing segment and that is equal to or smaller than said axial thickness of said base wall of said wheel housing segment.

Porter et al. show a circumferential rib (30, Figure 3) that extends about said output shaft in a circumferential direction in said outer surface of said base wall of said wheel housing segment, said circumferential rib having a radial thickness that is measured in a radial direction of said base wall of said wheel housing segment and that

is equal to or smaller than said axial thickness (near 30, Figure 4) of said base wall of said wheel housing segment for the purpose of increasing mechanical strength.

Since Walther et al. and Porter et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a circumferential rib that extends about said output shaft in a circumferential direction in said outer surface of said base wall of said wheel housing segment, said circumferential rib having a radial thickness that is measured in a radial direction of said base wall of said wheel housing segment and that is equal to or smaller than said axial thickness of said base wall of said wheel housing segment as taught by Porter et al. for the purpose discussed above.

Regarding claim 6, it is noted that Porter et al. also show said plurality of ribs (28) being arranged at substantially equal intervals.

Regarding claim 7, it is noted that Porter et al. also show said plurality of ribs (28) being circumferentially arranged at substantially equal angular intervals.

Information on How to Contact USPTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
May 21, 2002

pc

Samy S. G